

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 21, 2005

Signature:

(Michael J. Doherty)

Docket No.: SPINE 3.0-434 CIP CONT  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ralph et al.

Application No.: 10/771,598

Confirmation No.: 1128

Filed: February 4, 2004

Art Unit: 3732

For: ARTIFICIAL INTERVERTEBRAL DISC  
HAVING A WAVE WASHER FORCE  
RESTORING ELEMENT

Examiner: Not Yet Assigned

### REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the above-identified application, the domestic priority data is listed incorrectly. An "initial" Application Data Sheet is submitted herewith as well as a copy of the filing receipt. An Application Data Sheet was not initially filed with this application on February 23, 2004.

We therefore respectfully request a correcting filing receipt which reflects the correct domestic priority data.

Thank you for your attention to this matter and we await receipt of the corrected filing receipt.

Dated: October 21, 2005

Respectfully submitted,

By

Michael J. Doherty

Registration No.: 40,592

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

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Attorney for Applicant



## Application Data Sheet

### Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	3732
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	ARTIFICIAL INTERVERTEBRAL DISC HAVING A WAVE WASHER FORCE RESTORING ELEMENT
Attorney Docket Number::	SPINE 3.0-434 CIP CONT
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	1
Total Drawing Sheets::	13
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

### Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	James
Middle Name::	D.
Family Name::	Ralph
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State or Province of Residence::	NJ
Country of Residence::	US
Street of mailing address::	P.O. Box 99

City of mailing address:: Seaside Park  
State or Province of mailing address:: NJ  
Postal or Zip Code of mailing address:: 08752

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity  
Given Name:: Stephen  
Family Name:: Tatar  
City of Residence:: Montville  
State or Province of Residence:: NJ  
Country of Residence:: US  
Street of mailing address:: 45 Upper Mountain Avenue  
City of mailing address:: Montville  
State or Province of mailing address:: NJ  
Postal or Zip Code of mailing address:: 07045

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity  
Given Name:: Joseph  
Middle Name:: P.  
Family Name:: Errico  
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State or Province of Residence:: NJ  
Country of Residence:: US  
Street of mailing address:: 29 Deer Path Circle  
City of mailing address:: Green Brook  
State or Province of mailing address:: NJ  
Postal or Zip Code of mailing address:: 08812

**Correspondence Information**

Correspondence Customer Number:: 51640

**Representative Information**

Representative Customer Number:: 51640

**Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	10/177,377	06/21/02
10/177,377	Continuation-in-part of	09/906,117	07/16/01
10/177,377	Continuation-in-part of	09/906/118	7/16/01

**Foreign Priority Information****Assignee Information**

Assignee name:: SpineCore, Inc.  
Street of mailing address:: 475 Springfield Ave  
City of mailing address:: 4th Floor  
State or Province of mailing address:: Summit  
NJ

*IPAC*

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For: ARTIFICIAL INTERVERTEBRAL DISC  
HAVING A WAVE WASHER FORCE  
RESTORING ELEMENT

Examiner: Not Yet Assigned

### **NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

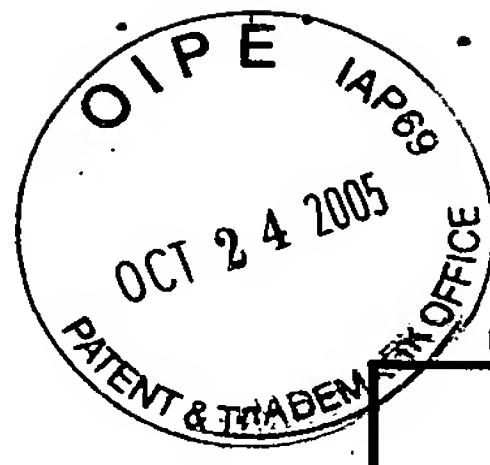
Dear Sir:

Assignee, SpineCore, Inc., hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Dated: October 21, 2005

Respectfully submitted,

By *Michael J. Doherty*  
Michael J. Doherty  
Registration No.: 40,592  
LERNER, DAVID, LITTENBERG,  
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600 South Avenue West  
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(908) 654-5000  
Attorney for Applicant



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PTO/SB/82 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/771,598
Filing Date	February 4, 2004
First Named Inventor	James D. Ralph
Art Unit	3732
Examiner Name	Not Yet Assigned
Attorney Docket Number	SPINE 3.0-434 CIP CONT

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: **51640**

Please change the correspondence address for the above-identified application to:

The address associated with  
Customer Number:

**51640**

OR

Firm or  
Individual Name

Address

City

Country

Telephone

State

Zip

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Joseph P. Errico, SpineCore, Inc.

Date

7/27/05

Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.



PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: James D. Ralph, Stephen Tatar, and Joseph P. ErricoApplication No./Patent No.: 10/771,598 Filed/Issue Date: February 4, 2004Entitled: ARTIFICIAL INTERVERTEBRAL DISC HAVING A WAVE WASHER FORCE RESTORING ELEMENT

SpineCore, Inc. , a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Ralph et al. To: Third Millennium Engineering, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 013041, Frame 0661, or for which a copy thereof is attached.

2. From: Third Millennium Engineering, LLC To: SpineCore, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 014344, Frame 0937, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Michael J. Doherty

Signature

October 21, 2005

Date

MICHAEL J. DOHERTY

Printed or Typed Name

(908) 581-6337

Telephone Number

Authorized Signer for Assignee

Title